



**Town of Arlington, Massachusetts**  
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## Conservation Comm Minutes 09-21-2000

SEPTEMBER 21, 2000

Mr. Stevens called the meeting to order at 7:30pm in the 2nd floor conference room in the Town Hall Annex. Present were Corinna Beckwith, Nathaniel Stevens, Timothy Sullivan, Geraldine Tremblay and Judith Hodges of the Commission, Doug Crispin of BSC consultants for the Cemetery Commission, Supervisor Bob Carroll, B.J. Smith, and E. W. Murphy Jr. of the Cemetery Commission, Tom Lisco and PJ Gardner of the Spy Pond Condominiums and Dave White of 55 Bow Street.

7:30pm –MISCELLANEOUS

The MEPA site walk is 9/27/00 at 10am at the Mugar parcel. Mr. Stevens thought that, with no state funding, the scope of the MEPA review was limited to that required in the other permits. Ms. Beckwith will attend to observe. Ingeborg Hegemann, the Commission's consultant is verifying the wetland delineations with Rizzo on 9/22/00 at 9am. Ms. Beckwith and Mr. Sullivan will attend. The East Arlington Neighborhood Committee is distributing a survey regarding flooding to the neighborhood. Mr. Stevens requested a copy of these surveys when they are returned. Ms. Beckwith reminded the Commission that the new global warming meeting, October 4, at the Robbins House, is an issue for the Mugar development if the existing trees are all replaced with parking lot. Ingeborg submitted a proposal for her work by email. Mr. Stevens and Ms. Brent had comments and they were forwarded to her. A few more articles were in the 9/21/00 Arlington Advocate. Mr. Stevens composed a review of the written comments from the 9/7 hearing. Ms. Beckwith didn't receive the file yet from him. The photos and survey results should be mapped out on a neighborhood map. The location of the next hearing has yet to be resolved. The libraries, the police station, the main hall, the senior center are all booked. Ms. Tremblay asked whether any vernal pools were actually looked for on the site yet. We will confirm this with Ingeborg.

Mr. Steven made/Ms. Hodges seconded a motion to approve the minutes of the 9/7/00. The vote to approve was unanimous.

Construction at 4 Mystic Bank has been reported to the Commission. Ms. Beckwith conducted a site walk on 9/20/00 and found the front driveway and new retaining wall being built or rebuilt. She spoke with the owner who says that all current work is beyond 100 feet from the Mystic Lake and that he is soon filing a permit with us for putting in an additional house in the next lot. The owner will meet Ms. Beckwith at the site next week to show her the site.

Ms. Beckwith reported that Town Day went well. One attendee asked if we would like to sponsor a clean up of Window on the Mystic to clear the weeds from the path. Ms. Tremblay recalled that small pits and piles of dirt are on the property and should be filled back in. They are not in the paths. A Girl Scout troupe is looking for a tour and Ms. Beckwith said she would ask Ralph Yoder to take them on a nature tour. Another attendee asked if a parcel on Pond Lane is owned by the Commission, the opinion of the Commission is that it is Parks land. We sold 22 books.

7:45pm- Reed's Brook- Admendment to order of conditlons- Kevin O'Brien sent a letter stating that in order to incorporate further changes and calculations a continuance was requested. Ms. Tremblay made/Ms. Beckwith seconded a motion to accept the continuance to 10/5/00 at 7:45pm. The vote to approve was unanimous.

Ms. Beckwith brought to attention of the Commission various training courses: MACC fall classes, beaver resolutions, Mean Annual High Water.

Fiscal matters regarding: Ms. Beckwith's August invoice, Capital budget requests, other bills, and checks from Town Day.

Other cleanups are by Citizens for Lexington Conservation (CLC) of Great Meadows (would we like to Co-sponsor this by soliciting participation?) on Saturday, November 4, and Friends of Alewife Reservation the Belmont side of the reservation, Saturday, September 30. Ms. Beckwith will contact CLC.

Ms. Beckwith asked for a volunteer to conduct the site visit at 43 Beverly Road for a Certificate of Compliance. Ms. Hodges took responsibility to schedule and conduct this visit. Ms. Beckwith will mail the Order of Conditions to Ms. Hodges.

8:00pm – MT. PLEASANT CEMETERY, CONTINUATION OF NOTICE OF INTENT –

Mr. Crispin described that at the last hearing in July, BSC submitted a revised plan, pulling the roadway further away from the wetland. They also submitted material safety data sheets (MSDS) sheets on formaldehyde.

Ms. Tremblay asked where the sewer that runs along Mystic Valley Parkway is located on the plan. Mr. Crispin described that the pipe is located in the roadway right-of-way, in the shoulder, next to the roadway pavement and not at all on cemetery property. Can more graves be located in that side of the property?

Ms. Tremblay asked questions regarding dimensions of the proposed work area. How much in the Riverfront Area, in the inner riparian zone? Mr. Crispin scaled off of the plan and Mr. Stevens confirmed from the Notice of Intent that 1.5 acres (78,000 square feet (sf)) is the whole work area.  $\frac{3}{4}$  of an acre (32,000 sf) is in the Riverfront Area and 10,000 sf are in the inner riparian zone.

Ms. Tremblay asked who dug the test pits. Mr. Carrol dug it and Mr. Crispin was present. They were dug in the spring, before Memorial Day. They were dug in three locations. The groundwater was reported at 8 feet below the surface.

Ms. Tremblay asked why the FEMA flood line on the plan is different from that reported on the FEMA maps. Mr. Crispin explained that the elevation from the FEMA study is used and plotted on the plan using the more detailed topography that was surveyed on the property and shown as a 1 foot interval. The shape of the floodplain looks different because the FEMA maps use the 10 foot interval USGS topographic maps as the base for their flood line.

Mr. Carroll has not observed flooding across this section. He says the brook fills up to bank full but it hasn't left its banks in this experience at the Cemetery.

Ms. Beckwith reminded Mr. Crispin that she doesn't have a file copy of the revised plan sheet with the moved roadway. Ms. Beckwith asked Mr. Crispin to show the proposed location of the floodplain after regrading. Ms. Beckwith asked if the roadway or the graves will deteriorate with flooding. Mr. Crispin stated that the flood events are swift and over the surface and the ground usually doesn't saturate at the same time. The infiltration units will not intercept the water table, they are only 2-3 feet in height and so should be 4-5 feet above the water table.

Ms. Tremblay began to explain her line of questioning. She explained that the regulations of the Wetlands Protection Act state that the first 100 feet from a waterway should be heavily vegetated to provide habitat for wildlife. The site has been heavily degraded but it was not previously developed. The Commission has jurisdiction over the entire Riverfront Area, 200 feet from the brook. The Commission realizes the need for burial plots in Arlington and therefore will still allow them in the outer riparian zone but will exclude them from the inner riparian zone. For the past 10-15 years, the Commission has been observing stockpiling and incremental filling at this location. We issued an enforcement order in December of 1997 for these activities, at \$300 a day.

Ms. Tremblay calculated that 78 more graves could be installed on the side furthest from the brook.

Ms. Tremblay reported that this area was part of an Olmsted plan for a park and in 1972 by Mr. Dobber. Green space calculations show that Arlington is 30% below what we need. The Riverfront Act, the local bylaw and the enforcement order still need to be addressed. Ms. Tremblay stated that she is asking that the area 100 feet from Mill Brook be redesigned so that it is heavily vegetated. If this cannot be provided, Ms. Tremblay stated that she was prepared to vote against this proposal.

Ms. Tremblay asked Ms. Beckwith to look in our files for any confirmation of an agreement between the former Director of Public Works, Mr. Loiacano, and this board regarding the handling of materials at this site.

Ms. Beckwith stated her support of Ms. Tremblay's position in protecting the inner riparian zone for habitat.

Mr. Sullivan stated his concern of the slope stability in the location of Mill Brook. He would support Ms. Tremblay's position. Mr. Crispin responded that the each grave excavation is done one at a time and all soil is removed from the site. Ms. Beckwith stated her concern for the stability of the steep fill slope in this location with the regrading and grave vaults in place. Mr. Carroll stated that in another section, B, the slopes are stable even with grave vaults close by and the material is old fill. Ms. Tremblay reiterated her refusal to vote for anything but heavy vegetation in the first 100 feet from the brook.

Ms. Tremblay explained her position that the site should not be considered as previously developed. The site was intentionally and persistently degraded by the Public Works Department until it was devoid of any vegetation. At present, it appears that the placement of grass is an improvement when compared to bare dirt. The picture of the property submitted in the Notice of Intent is at a scale that makes it difficult to determine the land use. Mr. Crispin and Mr. Carroll stated that the stockpiling is an activity that

has been taking place for that past twenty years at the site.

Mr. Stevens pointed out that the history of the stockpiling activity doesn't make it exempt from the Rivers Act. The Arlington Bylaw doesn't have any exemption for a previously developed area, and that full jurisdiction also extends to the Buffer Zone. Other interests to be protected under our Bylaw include wildlife habitat, recreation and protection of streams and Mr. Stevens feels that these were not adequately addressed in the Notice of Intent.

Ms. Tremblay asked Mr. Crispin to cooperate with our requests and move the graves and roadway out of the 100 foot zone from the brook. Ms. Tremblay asked if graves could be placed near the infiltrator and the swale be rerouted to allow for more graves to make up for the loss of graves near the brook.

Ms. Tremblay asked about the plant species selected. One of the proposed maple was a Norway Maple and they are weedy. Ms. Tremblay requested the use of Red Maples and to not include any Norway Maples. She would recommend Catalpa, Sassafras, Hickory, or any other Native American tree species.

It is unclear where the boundary of the lot line between the cemetery and the conservation land. The previous design assumed the line closest to the existing cemetery for placement of the drainage outlets. If the Commission allows the redesign to encroach to the second property line with these structures then it would provide more area for graves.

Mr. Carroll said that the Cemetery has responded to our previous requests regarding the stockpiles by providing some erosion controls. His concerns are also with the aesthetic values at the site. Ms. Tremblay stated that she was very sympathetic to the plight of providing Town burial sites. The Commission is not refusing to allow grave sites within our jurisdictional area, but we have the Wetlands laws to enforce and balance with the Town's need to provide these burial sites.

Mr. Crispin said he would take our recommendations under consideration and Ms. Tremblay provided Mr. Crispin with her questions in writing.

Mr. Crispin consented to continue the hearing to October 19 at 8pm.

9:00pm-CLEAN UP OF NO NAME BROOK BY KEITH JOYCE, EAGLE SCOUT –

The Commission acknowledged that the removal of debris will not require any permit and that Mr. Joyce just needs to contact Mark Shea of the Department of Public Works to coordinate the pick up of the collected debris.

9:10pm- SPY POND CONDOMINIUMS, DRAINAGE PIPE, WORKING SESSION –

Mr. Tom Lisco and Ms. PJ Harriman of the Condo Trustees presented the project to the Commission. Ms. Beckwith explained that she has a draft RDA is on file. Mr. Lisco explained that the southernmost drainage on the condo property enters a town storm sewer. The next most southerly pipe is the one under discussion. The drainage area is the portion of the parking lot. The Trustees don't allow any car washing on the lot. They just bought a new sweeper for the lot. There is a diagram of the drainage area in the submittal. There was flood last winter of a least a foot deep. A contractor inserted a camera and found that a plug of sand, vegetation and ice had blocked the pipe. The camera device then got stuck in the pipe. The pipe has collapsed in five separate locations. The pipe needs to be replaced. The catch basins might also need to be replaced, but they haven't been properly inspected until they are cleaned. This is due to occur very soon.

Mr. Stevens asked how much construction would be required. Mr. Lisco said that the contractor proposed that the job would take only two days. The trench will be backfilled and the end nearest the Pond will be covered with jute fabric and reseeded. Siltfence will be installed at the downstream end of work.

This project will have its formal hearing October 5 at 7:30pm.

MISCELLANEOUS, CONT.

Fiscal matters, cont.: Mr. Sullivan made a motion/Ms. Hodges seconded and the commission unanimously approved the payment of Ms. Beckwith for August, past administrative expenses for Ann Harrer and the MACC dues.

The Commission voted to convene at 10:15pm. The vote was unanimous.

Respectfully submitted,  
Cori Beckwith, Member and acting-Administrator

